

REMARKS

Prior to the present response, claims 1-37 were pending. By way of the above amendments, claims 1-3, 7, 12, 20, 24, and 26-37 have been amended, and new claims 38-51 have been added. Accordingly, claims 1-51 are currently pending. Original independent claims 3, 7 and 20, and their respective dependent claims, have been rewritten so as to depend from independent claim 1. Original independent claims 26, 30 and 34, and their respective dependent claims, have been rewritten to depend from independent claim 24. The changes made to independent claims 1 and 24 merely place these claims in better conformance with the newly rewritten dependent claims, and do not change the scope originally set forth in these claims. Changes that have been made to dependent claims 3, 7 and 20 similarly were made only to place these claims in conformance with the independent claim 1. It is respectfully submitted that the scope of claims 3, 7 and 20 has not changed as a result of these amendments. Dependent claims 26, 30 and 34 were broadened by moving the original recitation of "updating the value of ..." to new dependent claims 47, 48 and 49, respectively. Favorable consideration of all pending claims is respectfully requested.

In the Office Action, the Examiner required Applicant to elect from among the following inventions:

- I. Claims 1-2 and 24-25, drawn to the conversion of an analog parameter signal to a digital value accessible by a processor, classified in claim 341, subclass 126;
- II. Claims 3-6 and 26-29, drawn to monitoring battery voltage, classified in class 702, subclass 63;
- III. Claims 7-11 and 30-33, drawn to monitoring charging current, classified in class 320, subclass 137;
- IV. Claims 12-18 [sic: 19?], drawn to a mobile communications device, classified in class 455; and
- V. Claims 20-23 and 34-37, drawn to monitoring temperature, classified in class 702, subclass 130.

To comply with 37 C.F.R. § 1.143, Applicants provisionally elect, with traverse, the invention of Group I for prosecution. Applicants submit that at least claims 1-10 and 20-49 read on the Group I invention.

It is respectfully submitted that the restriction requirement is improper and should be withdrawn. For a proper restriction requirement, MPEP § 803 instructs that “[e]xaminers must provide reasons and/or examples to support conclusions ...” (Emphasis added.) The Examiner’s reasons for restriction: “Inventions I-V are related as combination and subcombination,” does not, however, identify which of the alleged groups constitute a combination and which ones are the alleged related subcombinations. Moreover, MPEP § 806.05(c) states that to establish that combination and subcombination inventions are distinct, two-way distinctness must be demonstrated. To this end, the Examiner provides only the following generalized statement, which is not directed to any particular grouping of the alleged Group I through Group V inventions:

In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because many different device (including mobile communication) parameters (including but not limited to battery voltage and/or battery charging current and/or temperature) may be monitored and may be supplied to a register of a processor. Thus, the numerous different inventions claimed may have applications in numerous fields, including but not limited to any computer-controlled system which has one or more analog sensors, any system which has a battery source of power, any mobile communication device, etc.

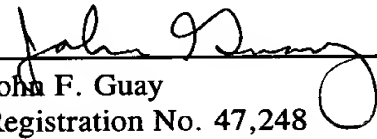
It is respectfully submitted that this statement, which appears directed more to the breadth of the present invention than to any requirement for showing two-way distinctness, does not demonstrate why any particular one group of the alleged Group I through Group V inventions constitutes a combination and why another particular one of the groups is a related subcombination, as set forth in MPEP § 806.05(c). For at least these reasons, it is believed the requirement is improper because Applicant has not been properly apprised as to the basis relied upon by the Examiner for the restriction. See, 37 C.F.R. § 1.104(a-b).

Furthermore, the fact that originally filed independent claims can be rewritten to depend from existing independent claims without changing the scope of the newly rewritten dependent claims (i.e., claims 3, 7, 20) is further evidence that the restriction is improper.

For at least the foregoing reasons, Applicants respectfully request withdrawal of the restriction requirement and consideration of all currently pending claims 1-51.

Respectfully submitted,

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Date: August 5, 2003